

BOXING AND WRESTLING—REDUCTION OF LICENSE FEES

"(b) All moneys allocated and appropriated by the State to the Teacher Retirement System shall be paid to the Teacher Retirement System in monthly installments as provided in House Bill No. 8, Acts of the Regular Session, Forty-seventh Legislature. Each of said monthly installments shall be paid into the State Membership Accumulation Fund and the Prior-Service Annuity Reserve Fund in the proportional amounts certified by the State Board of Trustees."

Sec. 6. The fact that Senate Bill No. 47, Acts, Regular Session, Forty-fifth Legislature, which created the Teacher Retirement System of Texas contemplated that the State of Texas would begin its contributions to said Teacher Retirement System in 1937, and in view of the further fact that the State did not provide for the financing of teacher retirement until the Regular Session of the Forty-seventh Legislature and then provided financing in a manner by which the amount that the State is in arrears on its contributions shall be paid over a period of years, thereby making it necessary to amend certain provisions of said Senate Bill No. 47 in order to enable the Teacher Retirement System to pay the same retirement benefits to beneficiaries from and after September, 1941, as such beneficiaries would have been paid from and after September, 1941, had the State begun its contributions to the Teacher Retirement System in 1937, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House, May 13, 1941: Yeas 115, Nays 1; passed by the Senate, May 19, 1941: Yeas 28, Nays 0.

Approved May 26, 1941.

Effective May 26, 1941.

BOXING AND WRESTLING—REDUCTION OF LICENSE FEES

H. B. No. 305

CHAPTER 377.

An Act amending Sections 3, 4, and 6, Chapter 21, General and Special Laws, Forty-third Legislature of Texas, Second Called Session, which amended Sections 4, 5, and 8, Chapter 241, General Laws of the Forty-third Legislature of Texas, Regular Session, providing for the reduction of promoter's license fees and bond in cities of less than twenty-five thousand (25,000) population; providing for the appointment of a referee for a single bout by a deputy boxing commissioner, and fixing the fee therefor; providing for similar appointment of seconds, timekeepers, and other local officials for no license fee; providing for a thirty-day boxer's license and fixing the fee therefor; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 3, Chapter 21, General and Special Laws, Forty-third Legislature of Texas, Second Called Session, which amended Section 4, Chapter 241, Acts of the Regular Session of the Forty-third Legislature, is hereby amended¹⁴ so as to hereafter read as follows:

"Sec. 3. Before any individual, firm, club, copartnership, association, company, or corporation may act as a promoter of either boxing or wrestling as herein defined, such promoter shall file or cause to be filed with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by him a verified declaration or application, setting forth the true name, age, present actual residence, and length of time thereof, place where promoter will operate, and such other information as may

¹⁴Vernon's Ann. Pen. Code, art. 614-4.

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be required by such printed forms when furnished, and the application filed with the Commissioner of Labor shall be accompanied with a registration or license fee, for which a permit or license may be issued by said Commissioner of Labor, for the type of license applied for, such remittance to be in such form as by law provided for other remittances to such officer, and such registration fee shall be Ten Dollars (\$10) for Boxing Promoters License and Ten Dollars (\$10) for Wrestling Promoters License in a city with a population not exceeding seven thousand, five hundred (7,500); Twenty Dollars (\$20) in cities with a population of seven thousand, five hundred and one (7,501) to seventeen thousand, five hundred (17,500) inclusive; Thirty Dollars (\$30) in cities with a population of seventeen thousand, five hundred and one (17,501) to twenty-five thousand (25,000), inclusive; One Hundred Dollars (\$100) in cities with a population of twenty-five thousand and one (25,001) to seventy-five thousand (75,000), inclusive; and Two Hundred Dollars (\$200) in a city of more than seventy-five thousand (75,000) inhabitants, and any person or group of persons acting as such promoter without so registering and remitting such license fee, and having in their possession a duly authorized permit, shall be deemed guilty of felony swindling and shall be punished accordingly."

Sec. 2. Section 4, Chapter 21, General and Special Laws, Forty-third Legislature of Texas, Second Called Session, which amended Section 5, Chapter 241, Acts of the Regular Session of the Forty-third Legislature, is hereby amended ¹⁵ so as to hereafter read as follows:

"Sec. 4. Before any individual, firm, club, copartnership, association, company, or corporation may conduct, hold, or give any fistic combat, match, boxing, sparring, or wrestling contest or exhibition, such promoter shall execute and file with the Commissioner of Labor a good and sufficient surety bond in the sum of Three Hundred Dollars (\$300) where the combat is to be held in a city of not more than seventy-five hundred (7500) population; Five Hundred Dollars (\$500) where the combat is to be held in a city with a population from seven thousand, five hundred and one (7,501) to seventeen thousand, five hundred (17,500), inclusive; Seven Hundred and Fifty Dollars (\$750) where the combat is to be held in a city whose population is between seventeen thousand, five hundred and one (17,501) and twenty-five thousand (25,000), inclusive; One Thousand Dollars (\$1,000) in cities whose population is in excess of twenty-five thousand (25,000), subject to the approval of the Commissioner and conditioned for the payment of the tax hereby imposed, said bond to be in form and kind required of an administrator of an estate in Texas, and the Attorney General in a Court of competent jurisdiction in Travis County, Texas, or any other Court having jurisdiction, may institute suit upon such bond to recover any delinquent tax and the cost incurred in ascertaining the amount and recovery of such tax; provided, if such promoter conducts such contests or exhibitions as a continuing enterprise or promotion, such bond shall be annual in effect and continue in force until the last day of the fiscal year in which same is filed and approved and shall run concurrent with the time for which license is issued, unless default be made by the principal thereof or the sureties thereon become insufficient in the judgment of the Commissioner of Labor."

Sec. 3. Section 6, Chapter 21, General and Special Laws, Forty-third Legislature of Texas, Second Called Session, which amended Section 8, Chapter 241, Acts of the Regular Session of the Forty-third Legislature, is hereby amended ¹⁶ so as to hereafter read as follows:

¹⁵ Vernon's Ann. Pen. Code, art. 614-5.

¹⁶ Vernon's Ann. Pen. Code, art. 614-8.

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"Sec. 6. Before any person may perform or act as boxer, wrestler, or manager of such boxer or wrestler, or matchmaker for a promoter of boxing and wrestling contests or exhibitions, where such boxer, wrestler, manager, or matchmaker performs or renders service for money remuneration, purse or prize equivalent, or may appear or perform without remuneration in contests with or on the same card with licensed contestants, such person shall file with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by him a verified declaration or application, setting forth the true name, age, present actual residence, and length of time thereof, place where and party with whom filed if other than with the Commissioner of Labor at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms, and the application shall be accompanied with a license fee, such remittance to be in such form as by law provided for other remittances to such officer, and such license fee shall be Five Dollars (\$5) for each boxer or wrestler and Fifteen Dollars (\$15) for each manager of a boxer or wrestler, and Fifteen Dollars (\$15) for each matchmaker for a promoter of boxing and wrestling or otherwise for a boxer or wrestler; provided further that a license good for thirty (30) days only may, upon receipt of proper application, and when approved by the Commissioner of Labor, be issued to a boxer or a wrestler, for a fee of One Dollar (\$1). And it is further provided that each manager shall file with the Commissioner of Labor a copy of each and every contract entered into with a boxer or wrestler, and any person acting or performing without so registering and remitting such license fee shall be deemed guilty of misdemeanor swindling and shall be punished accordingly.

"It is further provided that before any person may perform or act as second to a boxer or wrestler, or timekeeper at a boxing or wrestling contest, or referee of boxing and wrestling contests or exhibitions, such person shall file with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by said Commissioner, a verified declaration or application, setting forth the true name, age, present actual residence, and length of time thereof, place where and party with whom filed if other than with the Commissioner of Labor at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms, and the application shall be accompanied with a license fee, such remittance to be in such form as by law provided for other remittances to such officer, and such license fee shall be Ten Dollars (\$10) for such referee; provided, however, that a deputy commissioner of labor may appoint a referee for a single boxing or wrestling combat, and issue the license therefor, and said license fee shall be One Dollar (\$1); and Two Dollars and Fifty Cents (\$2.50) for each second and timekeeper, provided, however, that a deputy labor commissioner may appoint said second and timekeeper and other necessary local officials for any single boxing or wrestling combat and issue a license therefor without charge; and provided further that adequate provisions shall be made for some person of proper authority present at the match to appoint a substitute for any referee, second, timekeeper, or any other officiating person who fails to present himself at the time of the bout; and provided further that any person acting in any of the above named capacities or performing without registering and remitting such license fees as are herein required shall be deemed guilty of misdemeanor swindling and shall be punished accordingly."

Sec. 4. The fact that the present laws regulating fees and bonds required for boxing and wrestling combats as to put an unfair burden upon promoters, performers, and officials at such combats, and thereby

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tends to deprive the citizens of small cities and towns from seeing such combats in their own communities, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed by the House, April 24, 1941: Yeas 121, Nays 0; passed by the Senate, May 14, 1941: Yeas 29, Nays 0.

Filed without the Governor's signature, June 2, 1941.

Effective June 4, 1941.

COMPTROLLER AND TREASURER TO CANCEL WORTHLESS BONDS

H. B. No. 341

CHAPTER 378.

An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred and Ninety-five Thousand, Eight Hundred Dollars (\$295,800) in bonds issued by the Houston Tap and Brazoria Railway Company, which are held by the Treasurer in the account of the Permanent Free School Fund together with all claims and charges for or on account of interest thereon; directing that the bonds when canceled shall be given into the custody of the State Librarian; and declaring an emergency.

WHEREAS, Under the authority of an Act of the Legislature enacted in 1856, there were purchased for the account of the Special School Fund created by an Act of the Legislature of January 31, 1854, the sum of Two Hundred and Ninety-five Thousand, Eight Hundred Dollars (\$295,800) of first mortgage bonds of the Houston Tap and Brazoria Railway Company; and

WHEREAS, On the 1st day of May, 1870, the said Houston Tap and Brazoria Railway Company was indebted to the State on account of said bonds for the sum of the entire principal amount of Two Hundred and Ninety-five Thousand, Eight Hundred Dollars (\$295,800) and in addition the sum of One Hundred and Seventy-eight Thousand, Nine Hundred and Seventy Dollars (\$178,970) in interest; and

WHEREAS, Under the authority of the Act of October 13, 1856, and a subsequent Act of August 13, 1870, the Governor of the State of Texas did foreclose the lien asserted by the State against the properties of said Company and did make a sale of such properties under the authority of the Acts cited, and did purchase said properties for the State under the foreclosure sale; and

WHEREAS, Under the authority of a Joint Resolution adopted by the Legislature, approved May 18, 1871, the Governor of the State did sell the properties of said Company, which were then in possession of the State, for the sum of One Hundred and Thirty Thousand Dollars (\$130,000) in cash which was deposited to the credit of and to the account of the Permanent Free School Fund of Texas; and

WHEREAS, The said Houston Tap and Brazoria Railway Company became defunct and nonexistent; and

WHEREAS, It is recognized that the obligations owing on account of these bonds are worthless and uncollectible; and

WHEREAS, The same have been preserved by the Treasurer because of lack of authority to charge off the obligations; and

WHEREAS, It is now considered desirable to charge off these worthless obligations in order to reflect the true condition and account of the Permanent and Available School Funds; now therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Comptroller of Public Accounts and the Treasurer of the State of Texas be and they are hereby authorized and directed to cancel and charge off as worthless and uncollectible Two Hundred and Ninety-five Thousand, Eight Hundred Dollars (\$295,800) of bonds issued by the Houston Tap and Brazoria Railway Company which are held by the Treasurer for and in the account of the Permanent Free School Fund of this State, and they shall likewise charge off and close out of their books all entries and charges for or on account of interest on such